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10 Attorneys for Plaintiffs,
11 UMG RECORDINGS, INC.; SONY BMG MUSIC
12 ENTERTAINMENT; ARISTA RECORDS LLC;
13 ELEKTRA ENTERTAINMENT GROUP INC.;
14 CAPITOL RECORDS, INC.; and BMG MUSIC

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

13 UMG RECORDINGS, INC., a Delaware
14 corporation; SONY BMG MUSIC
15 ENTERTAINMENT, a Delaware general
16 partnership; ARISTA RECORDS LLC, a
17 Delaware limited liability company; ELEKTRA
18 ENTERTAINMENT GROUP INC., a Delaware
corporation; CAPITOL RECORDS, INC., a
Delaware corporation; and BMG MUSIC, a New
York general partnership,

Plaintiffs,

v.

ELISE TAMAI,
Defendant.

CASE NO. 3:07-CV-04835-JCS

The Honorable Joseph C. Spero

**DECLARATION OF MATTHEW
FRANKLIN JAKSA IN SUPPORT OF
PLAINTIFFS' REQUEST TO ENTER
DEFAULT**

1 **DECLARATION OF MATTHEW FRANKLIN JAKSA**

2 I, MATTHEW FRANKLIN JAKSA, declare:

3 1. I am an attorney at law licensed to practice before the Courts of the State of
4 California and the United States District Court, Northern District of California. I am an associate
5 with the law firm of Holme Roberts & Owen LLP, counsel of record for Plaintiffs. Unless otherwise
6 stated, I have personal knowledge of the following facts and, if called and sworn as a witness, could
7 and would competently testify thereto.

8 2. On January 18, 2008, Plaintiffs filed the First Amended Complaint ("Complaint") in
9 this case against Defendant Elise Tamai ("Defendant"). Attached as **Exhibit A** is a true and correct
10 copy of the proof of service on file with the Court, reflecting that Defendant was served with the
11 Summons and Complaint on February 18, 2008, by substitute service.

12 3. More than 20 days have elapsed since the date on which service of the Summons and
13 Complaint was effective.

14 4. Neither Plaintiffs nor the Court have granted Defendant any extension of time to
15 respond to the Complaint.

16 5. Defendant has failed to answer or otherwise respond to the Complaint, or serve a
17 copy of any answer or other response upon Plaintiffs' attorneys of record.

18 6. I am informed and believe that Defendant is not an infant or incompetent person.

19 7. A search for Defendant's name was conducted in the Department of Defense –
20 Manpower Data Center. That search revealed no evidence that Defendant is in the military service.

21 I declare under penalty of perjury under the laws of the United States of America that the
22 foregoing is true and correct.

23 Executed this 25th day of March, 2008, at San Francisco, California.

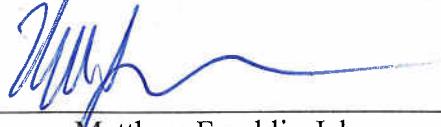
24 
25 _____
26 Matthew Franklin Jaksa

EXHIBIT A

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

UMG RECORDINGS, INC., ET AL., v. ELISE TAMAI	Plaintiff(s) Defendant(s)	CASE NUMBER: 3:07-CV-04835-JCS PROOF OF SERVICE SUMMONS AND COMPLAINT <small>(Use separate proof of service for each person/party served)</small>
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1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (*specify documents*):

a. summons complaint alias summons first amended complaint
 second amended complaint
 third amended complaint
 other (*specify*): NOTICE TO DEFENDANT; SUMMONS; FIRST AMENDED COMPLAINT FOR COPYRIGHT INFRINGEMENT; EXHIBIT A; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; EX PARTE APPLICATION TO EXTEND TIME TO SERVE DEFENDANT AND ORDER; EX PARTE APPLICATION TO CONTINUE CASE MANAGEMENT CONFERENCE AND ORDER; LETTER; CONSENT OR DECLINATION TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE

2. Person served:

- a. Defendant (*name*): **ELISE TAMAI**
b. Other (*specify name and title or relationship to the party/business named*):
Megan Foose, Co-resident
c. Address where papers were served: **564 Alviso Street, Santa Clara, CA 95050**

3. Manner of Service in compliance with (*the appropriate box must be checked*):

- a. Federal Rules of Civil Procedure
b. California Code of Civil Procedure

4. I served the person named in Item 2:

- a. By Personal service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and the minor if at least twelve (12) years of age.
1. Papers were served on (*date*): _____ at (*time*): _____
- b. By Substituted service. By leaving copies:
1. (*home*) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
 2. (*business*) or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers.
 3. Papers were served on (*date*): **02/18/2008** at (*time*): **11:15 am**
 4. by mailing (*by first-class mail, postage prepaid*) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
 5. papers were mailed on (*date*): **02/18/2008**
 6. due diligence. I made at least (3) attempts to personally serve the defendant.



- c. **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (Attach completed Waiver of Service of Summons and Complaint).
- d. **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h))(C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment of by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing *by first-class mail, postage prepaid*, copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (Attach a copy of the order to this Proof of Service).
- f. **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (Attach signed return receipt or other evidence of actual receipt by the person served).
- h. **Other (specify code section and type of service):**

5. Service upon the **United States, and Its Agencies, Corporations or Officers.**

- a. by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.

Name of person served:

Title of person served:

Date and time of service: (date): _____ at (time): _____

- b. By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (Attach signed return receipt or other evidence of actual receipt by the person served).
- c. By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (Attach signed return receipt or other evidence of actual receipt by the person served).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (*name, address and telephone number*):

**Terry Graap
633 Yesler Way Seattle, WA 98104
206-521-9000**

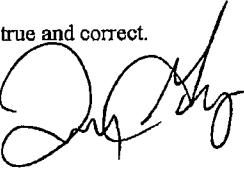
a. Fee for service: \$

- b. Not a registered California process server
- c. Exempt from registration under B&P 22350(b)
- d. Registered California process server

- 8. I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: *02/21/2008*


(Signature)



PROCESS
FORWARDING
INTERNATIONAL633 Yesler Way Seattle, WA 98104 www.pfiserves.com
800 232-8854 Fax: 800 734-6859

PROCESS SERVICE NOTIFICATION

To: HOLME ROBERTS & OWEN, LLP
560 MISSION STREET 25TH FLOOR
SAN FRANCISCO, CA 94105

Attention: Alice Tam
Client Ref:

Date: Feb 22 2008
Dispatcher: Angela D.
AngelaD@abclegal.com
800-324-5619

Tracking #: 5256851



Thank you for using PFI.

Additional service information can be obtained via the Process Service Detail page on our web site.

www.pfiserves.com/trackserve.asp

Servee: ELISE TAMAI

Person Served: MEGAN FOOSE CO-RESIDENT, A white female approx. 25-30 years of age 5'2"-5'4" in height weighing 140-160 lbs with brown hair

Served By: Terry Graap

Service Date: Feb 18 2008 11:15AM

Documents: NOTICE TO DEFENDANT; SUMMONS; FIRST AMENDED COMPLAINT FOR COPYRIGHT INFRINGEMENT; EXHIBIT A; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; EX PARTE APPLICATION TO EXTEND TIME TO SERVE DEFENDANT AND ORDER; EX PARTE APPLICATION TO CONTINUE CASE MANAGEMENT CONFERENCE AND ORDER; LETTER; CONSENT OR DECLINATION TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE

Service Address: 564 ALVISO ST SANTA CLARA county of County CALIFORNIA 95050

Court: UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

Case Name: UMG RECORDINGS, INC., ET AL., Plaintiff / Petitioner
vs.
ELISE TAMAI Defendant / Respondant

Case Number: 3:07-CV-04835-JCS

Hearing Date:

All documents are served pursuant to:

- A) The statutes or court rules of the jurisdiction in which the matter originates, and/or
- B) The statutes or court rules of the state in which service took place, and
- C) Instructions from the customer

If service was substituted upon another person or left with a person(s) who refused to identify themselves, it is incumbent upon you, our customer, to notify ABC legal/PFI in writing if further attempts to serve, serve by mail, or investigate are required.

Information contained in this notification is deemed to be accurate and reliable, but is subject to final verification by PFI personnel.

OFFICIAL PROCESS SERVER TO
U.S. DEPT. OF JUSTICE AND U.S. STATE DEPT.